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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,316	02/16/2006	Lars-Olof Harnfeldt	1027651000501	2974

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EXAMINER

THROWER, LARRY W

ART UNIT	PAPER NUMBER
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1791

NOTIFICATION DATE	DELIVERY MODE
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05/22/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/568,316	Applicant(s) HARNFELDT ET AL.	
	Examiner LARRY THROWER	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 12 and 14-18** are rejected under 35 U.S.C. 102(b) as being anticipated by Marbe et al. (EP 1249399).

- Regarding **claim 12**, Marbe et al. discloses a method of controllably conveying a web of packaging laminate provided with holes to at least one application station which is disposed to cover the holes with opening arrangements (abstract; fig. 1). The method includes determining an intended indexing distance of the web (D); on the basis of a predefined profile for a second section of the indexing, dividing up indexing of the web into a first section (3a, 3b, 3c) and a second section (5a, 5b, 5c); conveying the web the first section (fig. 1); conveying the web the second section (fig. 1); and during the second section of the indexing of the web, registering an actual position of a premade hole in the web and adapting, on the basis of the registered actual position of the hole, the second section of the indexing of the web so that the hole arrives at a correct position in relation to an application station for applying an opening arrangement over the hole (¶20).
- Regarding **claim 14**, Marbe et al. discloses the opening arrangement being applied over the hole by injection molding the opening arrangement with molding tools (5a,

Art Unit: 1791

5b, 5c) which are disposed to enclose between them in a mold cavity a portion of the web which includes the hole (¶22).

- Regarding **claim 15**, Marbe et al. discloses determining on a first occasion, the intended conveying of the web to a first intended indexing distance (¶¶29-30; 13R; fig. 1) and, on a second occasion, determining the intended conveying of the web to a second intended indexing distance (1R) which is separate from the first distance, dividing, on the basis of the same predefined profile, the first intended indexing distance (13R) and the second intended indexing distance (1R) each into a set of first (3a, 3b, 3c) and second sections (5a, 5b, 5c) of the indexing, the intended second section of each respective intended indexing distance being formed equally (1R) and the first section of each respective intended indexing distance being formed differently (13R) so as to achieve different total intended indexing distances (¶30).
- Regarding **claim 16**, Marbe et al. discloses a first total indexing being realized so that the web is accelerated (from zero at startup) and retarded (stopped to punch the holes) (¶29).
- Regarding **claim 17**, Marbe et al. discloses the retardation (to punch the holes) in the first section of the indexing continuing until a predetermined position (bar code C) has been realized, whereafter the web is run along a predetermined distance before the second section of the indexing is commenced (¶¶21 and 25).
- Regarding **claim 18**, Marbe et al. discloses a second total indexing being attained in that the web is accelerated until a predetermined position (of second indexing holes

Art Unit: 1791

4; ¶21) has been achieved, whereafter the web is driven along a predetermined distance before the second section of the indexing is commenced (¶21).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Marbe et al. (EP 1249399), as applied to claim 12 above.

- Marbe et al. discloses predefining the profile of the second section of the indexing so that the position of the hole is registered during the second section of the indexing of the web (¶20), but is silent as to whether the registration is during the acceleration or retardation phase of web. However, whether regardless of which speed phase the registration occurs, the end result of registering the hole and controllably locating the hole inside the respective mold cavity of the molding station, as taught by Marbe et al. (¶¶20-21), would be the same. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have registered the hole during any speed phase because the end result of registering the hole and controllably locating the hole inside the respective mold cavity of the molding station would be the same, as suggested by Marbe et al.

Art Unit: 1791

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LARRY THROWER whose telephone number is 571-270-5517. The examiner can normally be reached on Monday through Friday from 9:30AM-6PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Larry Thrower/
Examiner, Art Unit 1791

/Christina Johnson/

Application/Control Number: 10/568,316

Page 6

Art Unit: 1791

Supervisory Patent Examiner, Art Unit 1791